

Exhibit 1

To Attorney Affirmation of Benjamin F. Neidl

Case 1:20-cv-01880-LJL Document 8 Filed 03/06/20 Page 1 of 2

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of New York

ANDREW SCHWARTZBERG

Plaintiff

v.

CHET MINING CO, LLC and CHET STOJANOVICH

Defendant

Civil Action No. 1:20-cv-01880

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* CHET MINING CO, LLC
 50 WEST STREET, APT. 29A
 NEW YORK, NEW YORK 10006

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: John F. Harwick, Esq.

E. Stewart Jones Hacker Murphy LLP
 28 Second Street, Troy NY 12180

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: 03/06/2020/s/ D. Howie

Signature of Clerk or Deputy Clerk



Case 1:20-cv-01880-LJL Document 9 Filed 03/06/20 Page 1 of 2

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of New York

ANDREW SCHWARTZBERG

Plaintiff

v.

CHET MINING CO, LLC and CHET STOJANOVICH

Defendant

Civil Action No. 1:20-cv-01880

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* CHET STOJANOVICH
 105 DUANE STREET, APT. 20F
 NEW YORK, NEW YORK 10007

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: John F. Harwick, Esq.

E. Stewart Jones Hacker Murphy LLP
 28 Second Street, Troy NY 12180

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: 03/06/2020

 Signature of Clerk or Deputy Clerk


JS 44C/SDNY
REV. 08/01/17

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS

ANDREW SCHWARTZBERG

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

JOHN F. HARWICK,ESQ./E STEWART JONES HACKER MURPHY, LLP
28 SECOND STREET, TROY NY 12180 (518) 213-0113

DEFENDANTS

CHET STOJANOVICH and CHET MINING, CO., LLC

ATTORNEYS (IF KNOWN)

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

28 U.S.C §1332

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? Yes Judge Previously Assigned

If yes, was this case Invl. Dismissed. No Yes If yes, give date _____ & Case No. _____

IS THIS AN INTERNATIONAL ARBITRATION CASE?

No Yes (PLACE AN IN ONE BOX ONLY)

NATURE OF SUIT

CONTRACT		PERSONAL INJURY		FORFEITURE/PENALTY		BANKRUPTCY		ACTIONS UNDER STATUTES		OTHER STATUTES	
<input type="checkbox"/> 110	INSURANCE	<input type="checkbox"/> 310 AIRPLANE	<input type="checkbox"/> 1387 HEALTHCARE/PHARMACEUTICAL PERSONAL INJURY/PRODUCT LIABILITY	<input type="checkbox"/> 626 DRUG RELATED SEIZURE OF PROPERTY	<input type="checkbox"/> 1422 APPEAL 28 USC 168	<input type="checkbox"/> 1423 WITHDRAWAL	<input type="checkbox"/> 1400 STATE REAPPORTIONMENT	<input type="checkbox"/> 376 FALSE CLAIMS	<input type="checkbox"/> 378 QUI TAM	<input type="checkbox"/> 400 STATE REAPPORTIONMENT	<input type="checkbox"/> 410 ANTITRUST
<input type="checkbox"/> 120	MARINE	<input type="checkbox"/> 315 AIRPLANE PRODUCT LIABILITY	<input type="checkbox"/> 1388 PERSONAL INJURY PRODUCT LIABILITY	<input type="checkbox"/> 21 USC 881	<input type="checkbox"/> 1423 WITHDRAWAL 28 USC 157	<input type="checkbox"/> 1400 STATE REAPPORTIONMENT	<input type="checkbox"/> 430 BANKS & BANKING	<input type="checkbox"/> 450 COMMERCE	<input type="checkbox"/> 460 DEPORTATION	<input type="checkbox"/> 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)	<input type="checkbox"/> 480 CONSUMER CREDIT
<input type="checkbox"/> 130	MILLER ACT	<input type="checkbox"/> 320 ASSAULT, LIBEL & SLANDER	<input type="checkbox"/> 1389 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	<input type="checkbox"/> 1490 OTHER	<input type="checkbox"/> 1420 COPYRIGHTS	<input type="checkbox"/> 1430 PATENT	<input type="checkbox"/> 1480 CABLE/SATELLITE TV	<input type="checkbox"/> 490 CABLE/SATELLITE TV	<input type="checkbox"/> 500 SECURITIES/COMMODITIES/EXCHANGE	<input type="checkbox"/> 550 SECURITIES/COMMODITIES/EXCHANGE	<input type="checkbox"/> 560 TAXES (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 140	NEGOTIABLE INSTRUMENT	<input type="checkbox"/> 330 FEDERAL EMPLOYERS' LIABILITY	<input type="checkbox"/> 1400 STATE REAPPORTIONMENT	<input type="checkbox"/> 1440 TRADEMARK	<input type="checkbox"/> 1441 HIA (1385f)	<input type="checkbox"/> 1442 BLACK LUNG (823)	<input type="checkbox"/> 1443 DIVISION OF WORK (405(g))	<input type="checkbox"/> 1444 SSID TITLE XVI	<input type="checkbox"/> 1445 RSI (405(g))	<input type="checkbox"/> 560 TAXES (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 570 OTHER STATUTORY ACTIONS
<input type="checkbox"/> 150	RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	<input type="checkbox"/> 340 MARINE PRODUCT LIABILITY	<input type="checkbox"/> 1445 MEDICAL MALPRACTICE	<input type="checkbox"/> 1446 OTHER FRAUD	<input type="checkbox"/> 1447 TRUTH IN LENDING	<input type="checkbox"/> 1448 PATENT-ABBREVIATED NEW DRUG APPLICATION	<input type="checkbox"/> 1449 TRADEMARK	<input type="checkbox"/> 1450 FEDERAL TAX SUITS	<input type="checkbox"/> 1451 AGRICULTURAL ACTS	<input type="checkbox"/> 570 OTHER STATUTORY ACTIONS	<input type="checkbox"/> 580 ENVIRONMENTAL MATTERS
<input type="checkbox"/> 151	MEDICARE ACT	<input type="checkbox"/> 345 MARINE PRODUCT LIABILITY	<input type="checkbox"/> 1455 MOTOR VEHICLE PRODUCT LIABILITY	<input type="checkbox"/> 1456 MOTOR VEHICLE PRODUCT LIABILITY	<input type="checkbox"/> 1457 OTHER PERSONAL INJURY	<input type="checkbox"/> 1458 PROPERTY DAMAGE PRODUCT LIABILITY	<input type="checkbox"/> 1459 FAIR LABOR STANDARDS ACT	<input type="checkbox"/> 1460 LABOR/AGMT RELATIONS	<input type="checkbox"/> 1461 RAILWAY LABOR ACT	<input type="checkbox"/> 1462 DIVISION OF WORK (405(g))	<input type="checkbox"/> 580 ENVIRONMENTAL MATTERS
<input type="checkbox"/> 152	RECOVERY OF DEFOLTED STUDENT LOANS (EXCL VETERANS)	<input type="checkbox"/> 350 MOTOR VEHICLE PRODUCT LIABILITY	<input type="checkbox"/> 1462 PERSONAL INJURY - MED MALPRACTICE	<input type="checkbox"/> 1463 ALIEN DETAINEE	<input type="checkbox"/> 1464 MOTIONS TO VACATE SENTENCE 28 USC 2285	<input type="checkbox"/> 1465 CIVIL RIGHTS	<input type="checkbox"/> 1466 FAMILY MEDICAL LEAVE ACT (FMLA)	<input type="checkbox"/> 1467 TAXES (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 1468 IRB-THIRD PARTY 28 USC 7609	<input type="checkbox"/> 1469 ADMINISTRATIVE PROCEDURE ACT/REVIEW OR APPEAL OF AGENCY DECISION	<input type="checkbox"/> 1470 FREEDOM OF INFORMATION ACT
<input type="checkbox"/> 153	RECOVERY OF OVERPAYMENT OF VETERANS BENEFITS	<input type="checkbox"/> 360 OTHER PERSONAL INJURY	<input type="checkbox"/> 1469 OTHER PERSONAL PROPERTY DAMAGE	<input type="checkbox"/> 1471 CIVIL RIGHTS	<input type="checkbox"/> 1472 ALIEN DETAINEE	<input type="checkbox"/> 1473 MOTIONS TO VACATE SENTENCE 28 USC 2285	<input type="checkbox"/> 1474 CIVIL RIGHTS	<input type="checkbox"/> 1475 FAMILY MEDICAL LEAVE ACT (FMLA)	<input type="checkbox"/> 1476 IRB-THIRD PARTY 28 USC 7609	<input type="checkbox"/> 1477 TAXES (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 1478 ENVIRONMENTAL MATTERS
<input type="checkbox"/> 160	STOCKHOLDERS SUITS	<input type="checkbox"/> 370 OTHER CIVIL RIGHTS (Non-Prisoner)	<input type="checkbox"/> 1476 DEATH PENALTY	<input type="checkbox"/> 1477 MANDAMUS & OTHER	<input type="checkbox"/> 1478 EDUCATION	<input type="checkbox"/> 1479 HABEAS CORPUS	<input type="checkbox"/> 1480 OTHER LABOR LITIGATION	<input type="checkbox"/> 1481 OTHER IMMIGRATION ACTIONS	<input type="checkbox"/> 1482 NATURALIZATION APPLICATION	<input type="checkbox"/> 1483 OTHER IMMIGRATION ACTIONS	<input type="checkbox"/> 1484 CONSTITUTIONALITY OF STATE STATUTES
<input type="checkbox"/> 160	OTHER CONTRACT CONTRACT PRODUCT LIABILITY	<input type="checkbox"/> 380 OTHER CIVIL RIGHTS (Non-Prisoner)	<input type="checkbox"/> 1482 OTHER CIVIL RIGHTS	<input type="checkbox"/> 1483 PRISON CONDITION	<input type="checkbox"/> 1484 CIVIL DETAINEE CONDITIONS OF CONFINEMENT	<input type="checkbox"/> 1485 CIVIL DETAINEE CONDITIONS OF CONFINEMENT	<input type="checkbox"/> 1486 OTHER IMMIGRATION ACTIONS	<input type="checkbox"/> 1487 IRB-THIRD PARTY 28 USC 7609	<input type="checkbox"/> 1488 ARBITRATION	<input type="checkbox"/> 1489 ADMINISTRATIVE PROCEDURE ACT/REVIEW OR APPEAL OF AGENCY DECISION	<input type="checkbox"/> 1490 CONSTITUTIONALITY OF STATE STATUTES
<input type="checkbox"/> 165	FRANCHISE	<input type="checkbox"/> 390 OTHER CIVIL RIGHTS (Non-Prisoner)	<input type="checkbox"/> 1485 PRISON CONDITION	<input type="checkbox"/> 1486 CIVIL DETAINEE CONDITIONS OF CONFINEMENT	<input type="checkbox"/> 1487 IRB-THIRD PARTY 28 USC 7609	<input type="checkbox"/> 1488 ARBITRATION	<input type="checkbox"/> 1489 ADMINISTRATIVE PROCEDURE ACT/REVIEW OR APPEAL OF AGENCY DECISION	<input type="checkbox"/> 1490 CONSTITUTIONALITY OF STATE STATUTES	<input type="checkbox"/> 1491 AGRICULTURAL ACTS	<input type="checkbox"/> 1492 ENVIRONMENTAL MATTERS	<input type="checkbox"/> 1493 FREEDOM OF INFORMATION ACT
<input type="checkbox"/> 170	REAL PROPERTY	<input type="checkbox"/> 410 VOTING	<input type="checkbox"/> 420 EMPLOYMENT	<input type="checkbox"/> 430 HOUSING/ACCOMMODATIONS	<input type="checkbox"/> 440 AMERICANS WITH DISABILITIES - EMPLOYMENT	<input type="checkbox"/> 441 PRISONER CIVIL RIGHTS	<input type="checkbox"/> 442 ALIEN DETAINEE	<input type="checkbox"/> 443 MOTIONS TO VACATE SENTENCE 28 USC 2285	<input type="checkbox"/> 444 CIVIL RIGHTS	<input type="checkbox"/> 445 PRISON CONDITION	<input type="checkbox"/> 446 CIVIL DETAINEE CONDITIONS OF CONFINEMENT
<input type="checkbox"/> 170	LAND CONDEMNATION	<input type="checkbox"/> 444 AMERICANS WITH DISABILITIES - EMPLOYMENT	<input type="checkbox"/> 445 AMERICANS WITH DISABILITIES - OTHER	<input type="checkbox"/> 446 EDUCATION	<input type="checkbox"/> 447 AMERICANS WITH DISABILITIES - OTHER	<input type="checkbox"/> 448 EDUCATION	<input type="checkbox"/> 449 CIVIL RIGHTS	<input type="checkbox"/> 450 OTHER IMMIGRATION ACTIONS	<input type="checkbox"/> 451 CIVIL DETAINEE CONDITIONS OF CONFINEMENT	<input type="checkbox"/> 452 NATURALIZATION APPLICATION	<input type="checkbox"/> 453 OTHER IMMIGRATION ACTIONS
<input type="checkbox"/> 170	FORECLOSURE RENT LEASE & EJECTMENT	<input type="checkbox"/> 448 EDUCATION	<input type="checkbox"/> 449 EDUCATION	<input type="checkbox"/> 450 OTHER IMMIGRATION ACTIONS	<input type="checkbox"/> 451 CIVIL DETAINEE CONDITIONS OF CONFINEMENT	<input type="checkbox"/> 452 NATURALIZATION APPLICATION	<input type="checkbox"/> 453 OTHER IMMIGRATION ACTIONS	<input type="checkbox"/> 454 CIVIL DETAINEE CONDITIONS OF CONFINEMENT	<input type="checkbox"/> 455 CIVIL DETAINEE CONDITIONS OF CONFINEMENT	<input type="checkbox"/> 456 CIVIL DETAINEE CONDITIONS OF CONFINEMENT	<input type="checkbox"/> 457 CIVIL DETAINEE CONDITIONS OF CONFINEMENT
<input type="checkbox"/> 170	TORTS TO LAND TORT PRODUCT LIABILITY	<input type="checkbox"/> 456 CIVIL DETAINEE CONDITIONS OF CONFINEMENT	<input type="checkbox"/> 457 CIVIL DETAINEE CONDITIONS OF CONFINEMENT	<input type="checkbox"/> 458 CIVIL DETAINEE CONDITIONS OF CONFINEMENT	<input type="checkbox"/> 459 CIVIL DETAINEE CONDITIONS OF CONFINEMENT	<input type="checkbox"/> 460 CIVIL DETAINEE CONDITIONS OF CONFINEMENT	<input type="checkbox"/> 461 CIVIL DETAINEE CONDITIONS OF CONFINEMENT	<input type="checkbox"/> 462 CIVIL DETAINEE CONDITIONS OF CONFINEMENT	<input type="checkbox"/> 463 CIVIL DETAINEE CONDITIONS OF CONFINEMENT	<input type="checkbox"/> 464 CIVIL DETAINEE CONDITIONS OF CONFINEMENT	<input type="checkbox"/> 465 CIVIL DETAINEE CONDITIONS OF CONFINEMENT
<input type="checkbox"/> 170	ALL OTHER REAL PROPERTY	<input type="checkbox"/> 466 CIVIL DETAINEE CONDITIONS OF CONFINEMENT	<input type="checkbox"/> 467 CIVIL DETAINEE CONDITIONS OF CONFINEMENT	<input type="checkbox"/> 468 CIVIL DETAINEE CONDITIONS OF CONFINEMENT	<input type="checkbox"/> 469 CIVIL DETAINEE CONDITIONS OF CONFINEMENT	<input type="checkbox"/> 470 CIVIL DETAINEE CONDITIONS OF CONFINEMENT	<input type="checkbox"/> 471 CIVIL DETAINEE CONDITIONS OF CONFINEMENT	<input type="checkbox"/> 472 CIVIL DETAINEE CONDITIONS OF CONFINEMENT	<input type="checkbox"/> 473 CIVIL DETAINEE CONDITIONS OF CONFINEMENT	<input type="checkbox"/> 474 CIVIL DETAINEE CONDITIONS OF CONFINEMENT	<input type="checkbox"/> 475 CIVIL DETAINEE CONDITIONS OF CONFINEMENT

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DEMAND \$ 901,100.00 OTHER _____DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.
AS DEFINED BY LOCAL RULE FOR DIVISION OF BUSINESS 13?

IF SO, STATE:

JUDGE HON. KATHARINE H. PARKER DOCKET NUMBER 1:19-CV-07949Check YES only if demanded in complaint
JURY DEMAND: YES NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

Case 1:20-cv-01880-LJL Document 4 Filed 03/04/20 Page 2 of 2

(PLACE AN IN ONE BOX ONLY)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from (Specify District)	<input type="checkbox"/> 6 Multidistrict Litigation (Transferred)	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge
<input type="checkbox"/> a. all parties represented						<input type="checkbox"/> 8 Multidistrict Litigation (Direct File)
<input type="checkbox"/> b. At least one party is pro se.						

(PLACE AN IN ONE BOX ONLY)

<input type="checkbox"/> 1 U.S. PLAINTIFF	<input type="checkbox"/> 2 U.S. DEFENDANT	<input type="checkbox"/> 3 FEDERAL QUESTION	<input checked="" type="checkbox"/> 4 DIVERSITY (U.S. NOT A PARTY)
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IF DIVERSITY, INDICATE CITIZENSHIP BELOW.

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF <input type="checkbox"/> DEF <input type="checkbox"/>	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF <input type="checkbox"/> DEF <input type="checkbox"/>	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF <input type="checkbox"/> DEF <input type="checkbox"/>
CITIZEN OF ANOTHER STATE	<input checked="" type="checkbox"/> 2 <input type="checkbox"/> 1	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	<input type="checkbox"/> 4 <input checked="" type="checkbox"/> 4	FOREIGN NATION	<input type="checkbox"/> 6 <input type="checkbox"/> 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

1 GREENTREE COURT
BETHESDA MD 20817

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

CHEM MINING CO, LLC
50 WEST STREET, APT. 29A
NEW YORK, NEW YORK 10006

CHEM STOJANOVICH
105 DUANE STREET, APT. 20F
NEW YORK, NEW YORK 10007

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

COURTHOUSE ASSIGNMENT

I hereby certify that this case should be assigned to the courthouse indicated below pursuant to Local Rule for Division of Business 18, 20 or 21.

Check one: THIS ACTION SHOULD BE ASSIGNED TO: WHITE PLAINS MANHATTAN

DATE 03/04/2020  SIGNATURE OF ATTORNEY OF RECORD

RECEIPT #

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO
[X] YES (DATE ADMITTED Mo. _____ Yr. _____)
Attorney Bar Code # JH5253

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)

Case 1:20-cv-01880-LJL Document 1 Filed 03/03/20 Page 1 of 9

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANDREW SCHWARTZBERG,

Plaintiff,

-against-

CHET MINING CO, LLC and CHET
STOJANOVICH,

Defendants.

COMPLAINT

Case No.: 1:20-cv-01880-
LJL

TO THE ABOVE-NAMED DEFENDANTS:

The plaintiff, Andrew Schwartzberg (hereinafter referred to as "plaintiff"), by and through his attorneys, E. Stewart Jones Hacker Murphy LLP, as and for a complaint herein against the defendants (hereinafter referred to as "defendants"), alleges as follows:

INTRODUCTION

1. This is a breach of contract / fraud action wherein plaintiff paid for, but defendant failed to deliver, equipment costing \$501,672.00. Defendants have not delivered the goods or refunded plaintiff's purchase money despite due demand.

JURISDICTION AND VENUE

2. This Court has diversity jurisdiction over this matter pursuant to 28 U.S.C. § 1332 because the parties are diverse and the amount in controversy exceeds \$75,000.00.

3. The plaintiff is an individual domiciled in the State of California.

4. The defendant Chet Mining Co, LLC was formed and exists under the laws of the State of Wyoming and has its headquarters located in the State of New York.

5. The defendant Chet Stojanovich is domiciled the State of New York.

6. Venue is proper within the Southern District of New York pursuant to 28 U.S.C. § 1391(b)(1) and (2) as the subject transactions and occurrences took place in the Southern District of New York and the defendants are located in the Southern District of New York.

7. This Court has jurisdiction over defendants pursuant to NY CPLR § 301 as defendants are principally headquartered and reside in the State of New York, City of New York, and NY CPLR § 302(1) because defendants regularly transact and do business in New York deriving substantial financial gain from the same.

DEMAND FOR JURY

8. Plaintiff hereby demands a jury trial.

PARTIES

9. At all times mentioned herein, the plaintiff, Andrew Schwartzberg is an individual domiciled in the State of California.

10. Chet Mining Co, LLC is a foreign limited liability company existing under the laws of the State of Wyoming.

11. Chet Mining Co, LLC has its registered address and headquarters at 50 West St, Apartment 29A, New York, New York 10006.

12. Upon information and belief, the registered address of Chet Mining Co, LLC, 50 West Street, Apartment 29A, New York, New York 10006, was Chet Stojanovich's personal residence and address at the time of entity formation and at the time of the transactions described herein.

13. Upon information and belief, Chet Stojanovich is an individual currently domiciled in the State of New York, City of New York, with a current residential address of 105 Duane Street, Apartment 20F, New York, New York 10007.

14. Upon information and belief, Chet Stojanovich is the sole member of Chet Mining Co, LLC.

15. Upon information and belief, Chet Stojanovich owns, operates, and otherwise formed multiple entities using his personal residence, including Chet Mining Co, LLC.

16. Upon information and belief, Chet Stojanovich through Chet Mining Co, LLP purports to distribute and sell bitcoin mining equipment to the public.

17. Upon information and belief, Chet Stojanovich comingles the finances of his business entities, using the same for his personal use and benefit.

18. Upon information and belief, Chet Stojanovich transfers money between his various entities rendering them undercapitalized and insolvent.

19. Upon information and belief, Chet Stojanovich completely dominates and controls Chet Mining Co, LLC and uses that business entity to defraud his customers and hinder creditors, such as the plaintiff herein.

20. Upon information and belief Chet Stojanovich regularly fails to observe business formalities with regard to his management and operation of Chet Mining Co, LLC.

21. Upon information and belief, Chet Stojanovich used Chet Mining Co, LLC to commit fraudulent and wrongful acts against plaintiff and other members of the public.

22. As such, Chet Mining Co, LLC is the alter ego of Chet Stojanovich and he is personally liable for Chet Mining Co, LLC's debts under a veil piercing or alter ego theory.

AS AND FOR A FIRST CAUSE OF ACTION (BREACH OF CONTRACT)

23. Plaintiff repeats, reiterates and realleges each and every allegation set forth in the above paragraphs as if repeated and set forth at length in this cause of action.

24. That Plaintiff is in the bitcoin mining business.

25. That in or around May of 2019, defendant Chet Mining Co, LLC by and through Chet Stojanovich represented to plaintiff that it was a legitimate purveyor of bitcoin mining computers known as "S9 Antminers" and "L3+ Antminers" and had several for sale.

26. Defendants thereafter offered to sell plaintiff Three Hundred and Twenty (320) S9 Antminers for \$220,800.00 and Six Hundred (600) L3+ Antminers for \$247,200.00 with applicable taxes totaling \$501,672.00 (hereinafter collectively referred to as "the Antminers").

27. Plaintiff accepted said offer.

28. On May 21, 2019 defendants delivered to plaintiff invoice #ANSHW001 in the amount of \$501,672.00 requesting immediate payment for the Antminers.

29. On May 22, 2019 plaintiff made payment to defendants in the amount of \$501,672.00 via wire transfer.

30. After said payment, none of the Antminers were delivered to plaintiff and defendants have refused to deliver the same despite plaintiff's repeated demand for the equipment or his money back.

31. Plaintiff fully performed under the contract by tendering the purchase price as requested in full.

32. Defendants have breached their contract with plaintiff.

33. Defendants have wrongfully refused to refund plaintiff's funds.

34. Defendants have failed to deliver the Antminers that plaintiff bought and paid for.

35. As a direct and proximate result of defendants' breach of contract plaintiff suffered actual and consequential damages.

36. Upon information and belief, plaintiff suffered consequential damages due to his lost profits caused by the absence of the Antminers in an amount estimated to exceed \$100,000.00.

37. Defendants are liable to plaintiff for breach of contract for a sale of goods and plaintiff is entitled to \$501,672.00, plus consequential damages in the amount of \$100,000.00, plus interest at the legal rate thereon from and after May 21, 2019.

AS AND FOR A SECOND CAUSE OF ACTION (FRAUD)

38. Plaintiff repeats, reiterates and realleges each and every allegation set forth in above paragraphs as if repeated and set forth at length in this cause of action.

39. Defendant Stojanovich used his company Chet Mining Co, LLC to commit fraud as against plaintiff.

40. Defendant Stojanovich used the Chet Mining Co, LLC entity's seemingly legitimate facade to induce plaintiff into entering into a contract for a sale of goods that defendants knew they would not and could not perform.

41. That at all times defendant Stojanovich intended to cause Chet Mining Co, LLC to breach said contract, and never intended to perform the contract.

42. That defendant Stojanovich accepted plaintiff's \$501,672.00, by and through Chet Mining Co, LLC, intending on keeping said purchase money for his own personal use and benefit without delivering the goods sold to plaintiff.

43. That as a result of Stojanovich's fraud, plaintiff paid defendants \$501,672.00 in purchase money for the Antminers.

44. That defendant Stojanovich, upon information and belief, transferred the plaintiff's purchase money out of Chet Mining Co, LLC's bank account, for the personal benefit of Stojanovich.

45. That Chet Stojanovich, individually, used the corporate entity to commit fraud on the plaintiff with malice aforethought for his own personal benefit.

46. The Federal Bureau of Investigation is currently conducting a criminal investigation into the aforesaid fraudulent transaction described herein.

47. That as a result of the fraud and theft committed by Chet Stojanovich, he and Chet Mining Co, LLC are jointly and severally liable to plaintiff for \$501,672.00 plus attorney's fees, plus punitive damages in the amount of \$250,000.00 and interest at the legal rate from and after May 21, 2019.

AS AND FOR A THIRD CAUSE OF ACTION (CONVERSION)

48. Plaintiff repeats, reiterates and realleges each and every allegation set forth in the above paragraphs as if repeated and set forth at length in this cause of action.

49. That plaintiff owns and is entitled to the exclusive possession and use of the Antminers he bought from Chet Mining Co, LLC.

50. That defendant Stojanovich wrongfully used Chet Mining Co, LLC to convert the Antminers and plaintiff's purchase money.

51. The Antminers were worth \$501,672.00.

52. That defendants have wrongfully retained plaintiff's funds and the Antminers despite due demand from plaintiff for the return of said funds or fulfillment of the contract.

53. That defendant Stojanovich has committed the tort of conversion and, as the owner and managing member of Chet Mining Co, LLC, he is individually liable to the plaintiff in the amount of \$501,672.00, plus attorney's fees, punitive damages and interest.

AS AND FOR A FOURTH CAUSE OF ACTION (NY UCC § 2-711)

54. Plaintiff repeats, reiterates and realleges each and every allegation set forth in the above paragraphs as if repeated and set forth at length in this cause of action.

55. That pursuant to NY UCC § 2-711, when the seller fails to make the delivery of goods, the buyer is entitled to a refund of the paid purchase price.

56. That plaintiff is also entitled to damages pursuant to NY UCC § 2-713 for the difference in the market price at the time of purchase compared to the current market price of the goods.

57. Upon information and belief it would now cost plaintiff an estimated additional \$50,000.00 to purchase the Antminers.

58. Pursuant to NY UCC § 2-711 and 2-713 plaintiff is entitled to damages in the amount of \$501,672.00, plus the difference in market value between the Antminers and the purchase price to "cover" the purchase of new Antminers today, totaling \$551,672.00.

AS AND FOR A FIFTH CAUSE OF ACTION (NY UCC § 2-715)

59. Plaintiff repeats, reiterates and realleges each and every allegation set forth in the above paragraphs as if repeated and set forth at length in this cause of action.

60. That pursuant to NY UCC § 2-715 plaintiff is entitled to incidental and consequential damages as a result of defendants' breach and failure to deliver the Antminers as contracted with said amount to be determined at trial by the finder of fact.

AS AND FOR A SIXTH CAUSE OF ACTION (NY UCC § 2-716)

61. Plaintiff repeats, reiterates and realleges each and every allegation set forth in the above paragraphs as if repeated and set forth at length in this cause of action.

62. Upon information and belief, the plaintiff has undertaken reasonable efforts to cover the goods that the defendants failed to deliver, and the circumstances indicate that the same will be unavailing.

63. That pursuant to NY UCC § 2-716 plaintiff is entitled to specific performance of the parties' contract thus this Court should order that if the defendants are in actual or constructive possession of the Antminers, then they belong to plaintiff and should be delivered to plaintiff as promised.

WHEREFORE, plaintiff demands judgment against the defendants jointly and severally in the amount of \$501,672.00 at the legal rate for actual damages, plus consequential and incidental damages in the amount of \$100,000.00, plus cover damages in the amount of \$50,000.00, plus \$250,000.00 in punitive damages, in addition to specific performance, plus attorney's fees together with the costs and disbursements of this action in addition to whatever other and further relief as the Court deems just and proper.

Case 1:20-cv-01880-LJL Document 1 Filed 03/03/20 Page 9 of 9

Dated: March 2, 2020
Troy, New York

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